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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/232,397	01/15/1999	ALI SALEH	M-7165-US	1881

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EXAMINER

NGUYEN, HANH N

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 11/01/2002

1B1

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/232,397

Applicant(s)

SALEH ET AL.

Examiner

Hanh Nguyen

Art Unit

2662

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED on 10/22/02 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-13, 33 and 35.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

KWANG BIN YAO
PRIMARY EXAMINER

Continuation of 2. NOTE: Examiner has reconsidered Applicant's argument. However, Applicant's argument is not persuasive. See Attachment sheet.

ATTACHMENT

Applicant argues that neither **Chaudhuri** nor **Vaman et al.** discloses establishing virtual path by dynamically configuring a set of connections between the first node and the second node via intermediate nodes.

Vaman et al. discloses a distributed self healing and dynamically reconfiguration (DSDR) algorithm in Figures 7 & 8 applied in each switch in a network to restore a secondary path when a primary path fails. A switch receives notification information from failed switch/link, with its DSDR algorithm, dynamically rerouting traffic via other available intermediate links/nodes to correct any failures detected (Discovering a physical path from the first node to the second node by dynamically identifying intermediate nodes). See col. 9, lines 35-50 & Fig.8.

Examiner believes that **Vaman et al.** would have been combined with **Chaudhuri** to dynamically reconfigure restoration path between a first node and a second node by substituting the restored path database of **Chaudhuri** with the dynamically reconfiguration (DSDR) algorithm of **Vaman et al.**

To prove that the dynamically configuration connections is well-known in the art, Examiner would like to show Applicant another reference by **Commerford (US Pat. No. 5,920,257)** which addresses, in Fig.2, that as trunk 30 between switches 12 fails, a restoration method is initiated by dynamically generating a restorable route in a cost effective manner. See col.4, lines 35-65 & col.5, lines 25-35.